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Planning Commission Date: October 13, 2004

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No:

Notices Mailed On: 8/27/04

Published On: 8/26/04

Posted On: 8/27/04

TITLE: **PLANNED UNIT DEVELOPMENT NO. PD2004-1, "S" ZONE APPROVAL NO. SZ2003-11 AND USE PERMIT NO. UP2003-37**

Proposal: Request for a residential Planned Unit Development with a maximum density of 216 senior and multifamily units, including three, 5-story buildings for the senior development with associated site improvements which include development standard deviations and a use permit for a parking reduction.

Location: 1696 S. Main Street (APN 86-34-017, -019 and -020)

RECOMMENDATION: **Note receipt and file.**

Applicant: USA Properties Fund, Attention: Milo Terzich, 2440 Professional Drive, Suite 100, Roseville, CA 95661

Property Owners: Clayton Scott, Main Street Investments, 10237 N. Boyd Avenue, Fresno, CA 93720

Fern E. Frost Trustee, All-Cal Equipment, 75 East Montague Expressway, Milpitas, CA 95035

Previous Action(s): "S" Zone Approval amendments, use permit

Environmental Info: Midtown Program EIR

General Plan Designation: Multi-family Very High Density

Present Zoning: Multi-family Very High Density ("R4")

Existing Land Use: Tile manufacturing plant and truck repair & maintenance facility

Agenda Sent To: Applicant & property owners

Attachments: Letter from applicant

PJ No. 3165

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BACKGROUND

This application was continued at the September 22, 2004 Planning Commission meeting to October 27th. Subsequent to this meeting, the applicant requested the hearing be re-scheduled to the October 13th meeting. To accommodate this request, staff re-advertised the public hearing, which notified the public of the cancellation of the October 27th hearing and of the new October 13th public hearing date.

Staff received a letter from the applicant on October 8th officially withdrawing the application. The applicant has stated they were unable to come to an agreement with the City on the financial assistance agreement.

RECOMMENDATION

Close the public hearing open. Note receipt and file.

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USA Properties Fund

October 8, 2004

VIA FAX: (408) 586-3293

James Lindsay
City of Milpitas
455 E. Calaveras Blvd
Milpitas, CA 95035-5411

**Subject: Milpitas Senior Project
South Main & Montague Expressway**

Dear Mr. Lindsay:

In an effort to bring forth a proposal that is as comprehensive as possible, USA Properties Fund, Inc. postponed our Planning Commission Hearing scheduled for September 22, 2004 to the October 27, 2004 meeting.

We were unable to meet the City's goals on the financial assistance agreement. Please accept this letter as our request to cancel our hearing in front of the Planning Commission and to withdraw our application. Thank you for your consideration. If you have any questions or comments, please feel free to contact me at (916) 773-6060, xt. 234, or email at mterzich@usapropfund.com.

Sincerely,
USA Properties Fund, Inc.

A handwritten signature in black ink, appearing to read 'M. Terzich', written over a horizontal line.

Milo L. Terzich, P.E.

Cc: Staci Pereira, City of Milpitas
Michael Hooper, Land Link Commercial
Geoff Brown, USA Properties Fund, Inc.
Katherine Klein, USA Properties Fund, Inc.
Michael McCleery, USA Properties Fund, Inc.